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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,120	12/28/2000	Dean A. Seifert	FDC 0125 PUS	6714

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EXAMINER
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KAZIMI, HANI M

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 09/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/751,120

**Applicant(s)**

SEIFERT ET AL.

**Examiner**

Hani Kazimi

**Art Unit**

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/28/00; 03/1/02
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This communication is in response to Applicant's amendment filed on May 4, 2005. The rejections cited are as stated below:

#### ***Response to Applicant's amendment***

2. Applicants' amendment filed on May 4, 2005 have been fully considered, and discussed in the next section below or within the following rejections.

#### ***Double Patenting***

3. 35 U.S.C. § 101 reads as follows:  
"Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title".
4. The following non-statutory double patenting rejection is based on a judicially created doctrine grounded in the public policy (a policy reflected in the statute) so as to prevent the unjustified or improper time wise extension of the right to exclude granted by a patent. In re Sarett, 327 F.2d 1005, 140 USPQ 474 (CCPA 1964); In re Schneller, 397 F.2d 350, 158 USPQ 210 (CCPA 1968); In re White, 405 F.2d 904, 160 USPQ 644 (CCPA 1969); In re Thorington, 418 F.2d 528, 163 USPQ 644 (CCPA 1969); In re Vogel, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); In re Van Ornam, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); In re Longi, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); and In re Goodman, 29 USPQ 2d 2010 (Fed. Cir. 1993).

5. Claims 1-9 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-51 of (United States Patent Number 6,488,203).

Although the conflicting claims are not identical, they are not patentably distinct from each other because they recite means or steps that are substantially the same and that would have been obvious to one of ordinary skill in the art.

Claims 1-9 essentially repeat all the features listed in the Patents listed above, such as transferring money between a sender and a recipient includes the receipt of identifying information provided by the recipient, compare that information with transaction information stored on a host computer, providing a code if the identifying information matches the information stored on the computer of the sender, receiving the code information at the host computer from a dispensing terminal, allowing funds to be transferred by the dispensing terminal if the code is verified.

Claims 1-9, further recite the additional use of a kiosk agent, which does not appear in the claims of the above-mentioned Patent.

However, Shafiee et al. (United States Patent Number 6,771,766 B1) teach the use of live agents at kiosks in order to assist customers to complete transactions (column 2, lines 9-23).

Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to use live agents at a kiosk in order to assist a customer to complete a transaction, because it greatly improves the efficiency of the system and provides the

user with assistance in conducting transactions, and a system that is user friendly.

The omission of an element with a corresponding loss of function is an obvious expedient. See *In re Karlson*, 136 USPQ 184 and *Ex parte Rainu*, 168 USPQ 375.

6. A timely filed terminal disclaimer in compliance with 37 CFR 1.321(b) would overcome an actual or provisional rejection on a non-statutory double patenting ground provided the conflicting patent is shown to be commonly owned with this application. See 37 CFR 1.78(d).

#### ***Claim Rejections - 35 USC 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 148 USPQ 459, that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or unobviousness.

9. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Downing et al. (United States Patent Number 5,963,647) in view of Shafiee et al. (United States Patent Number 6,771,766 B1), hereinafter, "Shafiee".

Claims 1-9, Downing teaches a method and a corresponding system for electronically transferring funds between a sender and a recipient comprising:

receiving at an initiating terminal a designation of an amount of funds, a stored value card, or cash to be electronically transferred from the sender, receiving at the initiating terminal a security code from the sender, generating a unique personal identification number at a central terminal, providing the unique personal identification number to the sender, storing the designation of an amount of funds, the security code and the unique personal identification number at the central terminal in communication with the initiating terminal, receiving the unique personal identification number and the security code at a kiosk from the recipient, communicating the unique personal identification number and the security code provided by the recipient to the central terminal, comparing the unique personal identification number and the security code provided by the recipient to the stored unique personal identification number and stored security code at the central terminal, and dispensing funds corresponding to the designation of an amount of funds at the kiosk if the unique personal identification number and the security code provided by the recipient match the stored unique personal identification number and the stored security code (abstract, figs. 2, 5, 6, column 5, line 16-46, and column 9, line 56 thru column 12, line 55).

Downing fails to teach the use of a kiosk agent and a scanning device for receiving the security code.

Shafiee teaches the use of a kiosk agent and a scanning device (column 2, line 9-23, column 5, lines 57-64, and column 14, line 32 thru column 15, line 21).

It would have been obvious to one of ordinary skilled in the art at the time Applicant's invention was made to modify the teachings of Downing to include a kiosk agent and a scanning device for receiving the security code, because it provides the user with assistance in conducting transactions and guide customers to solution offers and answer follow-up questions that an automated system does not respond to adequately. Downing supports this aspect of providing assisted transactions (Downing, column 5, lines 40-46).

### ***Response to Arguments***

10. In the remarks, the Applicant argues in substance that;

The proposed combination is improper since Stoutenburg et al. '203 Patent does not qualify as prior art because, the inventorship is the same for Stoutenburg et al. '203 and the present application.

Previously filed Information Disclosure Statements (IDS) on December 28, 2000 and March 8, 2002 has not been considered by the Examiner, and no initialed copies of the associated forms were provided with the Office Action.

In response;

The Examiner agrees with Applicant's statement regarding the Stoutenburg et al. '203 Patent having the inventorship, and therefore withdraws the previous office action's rejection regarding this matter.

With respect to the previously filed Information Disclosure Statements (IDS) on December 28, 2000 and March 8, 2002, the Examiner considered both statements and marked the newly submitted forms as duplicates. The forms are attachments to the present office action.

### ***Conclusion***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hani Kazimi whose telephone number is (571) 272-6745. The examiner can normally be reached Monday-Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

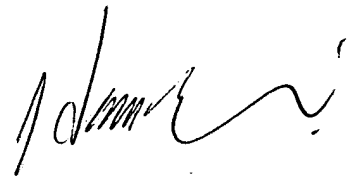
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**HANI M. KAZIMI**  
**PRIMARY EXAMINER**

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September 14, 2005